

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 741**

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**Introduced by Senator Maldonado**

February 27, 2009

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~~An act to amend Section 4925 of the Business and Professions Code, relating to acupuncture. An act to add Section 7574.9 to, and to repeal and add Chapter 11.4 (commencing with Section 7574) of Division 3 of, the Business and Professions Code, relating to security services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 741, as amended, Maldonado. ~~Acupuncture. Proprietary security services.~~

*(1) Existing law, the Proprietary Security Services Act, requires a person who meets the definition of a proprietary private security officer to register with the Department of Consumer Affairs. Existing law requires a proprietary private security officer to complete training in security officer skills within a specified period of time. Existing law authorizes, except as otherwise specified, a registered person to request review by a private security disciplinary review committee, to contest the assessment of fines or to appeal the denial, revocation, or suspension of a registration.*

*This bill would revise and recast these provisions by requiring, on and after January 1, 2011, proprietary private security officers and proprietary private security employers, as defined, to register with the department. The bill would require applicants for registration to apply to the department on forms provided by the department and would require these applications to include, among other things, a \$50 fee for officers and a \$75 fee for employers as well as fingerprints for the officer application. The bill would require that, upon approval of an*

application by the Director of Consumer Affairs, officer and employer applicants be issued a registration card or registration certificate, respectively. The bill would make it a felony for a person to knowingly falsify fingerprints submitted with an application for registration and would make it a misdemeanor for a person to knowingly make a false statement on an application for registration.

This bill would, on and after July 1, 2011, require registered proprietary private security officers to complete training in security officer skills, as specified. The bill would require employers to maintain specified records regarding the employment of officers and the completion by officers of training in security officer skills. The bill would require officers on duty to carry a valid and current registration card or a specified alternative as well as other identification and failure to comply with this requirement would result in the imposition of a \$25 fine for the first violation and a \$50 fine for each subsequent violation.

Because the bill would create new crimes, the bill would impose state-mandated local programs.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes the Acupuncture Licensure Act which provides for the licensure and regulation of acupuncturists by the Acupuncture Board.~~

~~This bill would make nonsubstantive and technical changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. It is the intent of the Legislature that, in
- 2     determining whether or not an employee is a proprietary security
- 3     officer, the primary factor shall be the employee's duties.
- 4     SEC. 2. Section 7574.9 is added to the Business and Professions
- 5     Code, to read:
- 6     7574.9. This chapter shall remain in effect only until January
- 7     1, 2011, and as of that date is repealed, unless a later enacted

1 *statute, that is enacted before January 1, 2011, deletes or extends*  
2 *that date.*

3 *SEC. 3. Chapter 11.4 (commencing with Section 7574) is added*  
4 *to Division 3 of the Business and Professions Code, to read:*

5  
6 *CHAPTER 11.4. PROPRIETARY SECURITY SERVICES*

7  
8 *Article 1. General*  
9

10 *7574. This chapter may be cited as the Proprietary Security*  
11 *Services Act.*

12 *7574.01. For the purposes of this chapter, the following terms*  
13 *shall have the following meanings:*

14 *(a) "Bureau" means the Bureau of Security and Investigative*  
15 *Services.*

16 *(b) "Chief" means the Chief of the Bureau of Security and*  
17 *Investigative Services.*

18 *(c) "Director" means the Director of Consumer Affairs, unless*  
19 *the context indicates otherwise.*

20 *(d) "Person" includes any individual, firm, company,*  
21 *association, organization, partnership, and corporation.*

22 *(e) "Proprietary private security employer," means a person*  
23 *who has one or more employees who provide security services for*  
24 *the employer and only for the employer. A person who employs*  
25 *proprietary security officers pursuant to this chapter at more than*  
26 *one location shall be considered a single employer.*

27 *(f) "Proprietary private security officer," means an unarmed*  
28 *individual who is employed exclusively by any one employer whose*  
29 *primary duty is to provide security services for his or her employer;*  
30 *whose services are not contracted to any other entity or person,*  
31 *and who is not exempt pursuant to Section 7582.2, and who meets*  
32 *both of the following criteria:*

33 *(1) Is required to wear a distinctive uniform, to be determined*  
34 *by the director, identifying the individual as a security officer.*

35 *(2) Is likely to interact with the public while performing his or*  
36 *her duties.*

37 *(g) "Registrant" means an individual registered with the bureau*  
38 *under this chapter.*

39 *7574.02. The director shall administer and enforce the*  
40 *provisions of this chapter.*

1     7574.03. Every power granted or duty imposed upon the  
2 director under this chapter may be exercised or performed by any  
3 other officer or employee of the Department of Consumer Affairs  
4 as authorized by the director, however, the director shall have the  
5 supervision of and the responsibility for all powers and duties  
6 exercised by those officers and employees.

7     7574.04. The director may, in accordance with the State Civil  
8 Service Act (Part 2 (commencing with Section 18500) of Division  
9 5 of Title 2 of the Government Code) and subject to the provisions  
10 of Section 159.5, appoint and fix the compensation of inspectors,  
11 investigators, and other personnel as may be necessary for the  
12 enforcement of this chapter.

13     7574.05. The director may adopt regulations as necessary for  
14 the administration and enforcement of this chapter.

15     7574.06. Except as provided in Section 7574.23, all fees and  
16 fines collected pursuant to this chapter shall be deposited in the  
17 Private Security Services Fund.

18     7574.08. This article shall become operative on January 1,  
19 2011.

## 20 21                     Article 2. Registration

22  
23     7574.10. No person shall engage in the business of a  
24 proprietary private security officer unless registered with the  
25 department pursuant to this chapter.

26     7574.11. (a) An applicant seeking registration as a proprietary  
27 private security officer shall apply to the department on forms  
28 provided by the department.

29     (b) An application for registration as a proprietary private  
30 security officer shall include, but not be limited to, the following:

31     (1) Submission of fingerprints for submission to the Department  
32 of Justice.

33     (2) A fee of fifty dollars (\$50).

34     (c) Upon approval of an application for registration as a  
35 proprietary private security officer by the director, the chief shall  
36 cause to be issued to the applicant a registration card in a form  
37 approved by the director. A registration card shall be valid for  
38 two years from the date of issue.

39     (d) A person may work as a proprietary private security officer  
40 pending receipt of the registration card if he or she has been

1 approved by the director and carries on his or her person a hard  
2 copy printout of the bureau's approval from the bureau's Internet  
3 Web site and either a valid driver's license issued pursuant to  
4 Section 12811 of the Vehicle Code or a valid driver's license issued  
5 pursuant to Section 13000 of the Vehicle Code.

6 (e) In the event of the loss or destruction of a registration card,  
7 the registrant may apply to the bureau on a form provided by the  
8 bureau for a certified replacement of the card, stating the  
9 circumstances surrounding the loss, and pay a replacement fee of  
10 ten dollars (\$10), whereupon the bureau shall issue a replacement  
11 of the card.

12 (f) A registered proprietary private security officer shall apply  
13 for renewal biennially with the department on forms provided by  
14 the department. The department shall charge a renewal fee of  
15 thirty-five dollars (\$35).

16 7574.12. No person shall engage in the business of a  
17 proprietary private security employer unless registered with the  
18 department pursuant to this chapter. However, a proprietary  
19 private security employer meeting one of the requirements of  
20 Section 7574.14 shall be considered exempt from registration.

21 7574.13. (a) A person seeking registration as a proprietary  
22 private security employer shall apply to the department on forms  
23 provided by the department.

24 (b) An application for registration as a proprietary private  
25 security employer shall include, but not be limited to, a fee of  
26 seventy-five dollars (\$75).

27 (c) Upon approval of an application for registration as a  
28 proprietary private security employer by the director, the chief  
29 shall cause to be issued to the applicant a registration certificate  
30 in a form approved by the director. A registration certificate shall  
31 be valid for two years from the date of issue.

32 (d) A registered proprietary private security employer shall  
33 apply for renewal biennially with the department on forms provided  
34 by the department. The department shall charge a renewal fee of  
35 thirty-five dollars (\$35).

36 7574.14. This chapter shall not apply to a proprietary private  
37 security employer who meets one of the following requirements:

38 (a) An officer or employee of the United States of America, or  
39 of this state or a political subdivision thereof, while the officer or  
40 employee is engaged in the performance of his or her official

1 *duties, including uniformed peace officers employed part time by*  
2 *a public agency pursuant to a written agreement between a chief*  
3 *of police or sheriff and the public agency, provided the part-time*  
4 *employment does not exceed 50 hours in any calendar month.*

5 *(b) A person engaged exclusively in the business of obtaining*  
6 *and furnishing information as to the financial rating of persons.*

7 *(c) A charitable philanthropic society or association*  
8 *incorporated under the laws of this state that is organized and*  
9 *duly maintained for the public good and not for private profit.*

10 *(d) Patrol special police officers appointed by the police*  
11 *commission of any city, county, or city and county under the*  
12 *express terms of its charter who also under the express terms of*  
13 *the charter (1) are subject to suspension or dismissal after a*  
14 *hearing on charges duly filed with the commission after a fair and*  
15 *impartial trial, (2) must be not less than 18 years of age nor more*  
16 *than 40 years of age, (3) must possess physical qualifications*  
17 *prescribed by the commission, and (4) are designated by the police*  
18 *commission as the owners of a certain beat or territory as may be*  
19 *fixed from time to time by the police commission.*

20 *(e) An attorney at law in performing his or her duties as an*  
21 *attorney at law.*

22 *(f) A collection agency or an employee thereof while acting*  
23 *within the scope of his or her employment, while making an*  
24 *investigation incidental to the business of the agency, including*  
25 *an investigation of the location of a debtor or his or her property*  
26 *where the contract with an assignor creditor is for the collection*  
27 *of claims owed or due or asserted to be owed or due or the*  
28 *equivalent thereof.*

29 *(g) Admitted insurers and agents and insurance brokers licensed*  
30 *by the state, performing duties in connection with insurance*  
31 *transacted by them.*

32 *(h) Any bank subject to the jurisdiction of the Commissioner of*  
33 *Financial Institutions of the State of California under Division 1*  
34 *(commencing with Section 99) of the Financial Code or the*  
35 *Comptroller of Currency of the United States.*

36 *(i) A person engaged solely in the business of securing*  
37 *information about persons or property from public records.*

38 *(j) A peace officer of this state or a political subdivision thereof*  
39 *while the peace officer is employed by a private employer to engage*  
40 *in off-duty employment in accordance with Section 1126 of the*

Government Code. However, nothing herein shall exempt such a peace officer who either contracts for his or her services or the services of others as a private patrol operator or contracts for his or her services as or is employed as an armed private security officer. For purposes of this subdivision, "armed security officer" means an individual who carries or uses a firearm in the course and scope of that contract or employment.

(k) A retired peace officer of the state or political subdivision thereof when the retired peace officer is employed by a private employer in employment approved by the chief law enforcement officer of the jurisdiction where the employment takes place, provided that the retired officer is in a uniform of a public law enforcement agency, has registered with the bureau on a form approved by the director, and has met any training requirements or their equivalent as established for security personnel under Section 7583.5. This officer may not carry a loaded or concealed firearm unless he or she is exempted under the provisions of subdivision (a) of Section 12027 of the Penal Code or paragraph (1) of subdivision (b) of Section 12031 of the Penal Code or has met the requirements set forth in Section 12033 of the Penal Code. However, nothing herein shall exempt the retired peace officer who contracts for his or her services or the services of others as a private patrol operator.

(l) A licensed insurance adjuster in performing his or her duties within the scope of his or her license as an insurance adjuster.

(m) Any savings association subject to the jurisdiction of the Commissioner of Financial Institutions or the Office of Thrift Supervision.

(n) Any secured creditor engaged in the repossession of the creditor's collateral and any lessor engaged in the repossession of leased property in which it claims an interest.

(o) A peace officer in his or her official police uniform acting in accordance with subdivisions (c) and (d) of Section 70 of the Penal Code.

(p) An unarmed, uniformed security person employed exclusively and regularly by a motion picture studio facility employer who does not provide contract security services for other entities or persons in connection with the affairs of that employer only and where there exists an employer-employee relationship if that person at no time carries or uses any deadly weapon, as defined in

1 subdivision (a), in the performance of his or her duties, which may  
2 include, but are not limited to, the following business purposes:

3 (1) The screening and monitoring access of employees of the  
4 same employer.

5 (2) The screening and monitoring access of prearranged and  
6 preauthorized invited guests.

7 (3) The screening and monitoring of vendors and suppliers.

8 (4) Patrolling the private property facilities for the safety and  
9 welfare of all who have been legitimately authorized to have access  
10 to the facility.

11 7574.15. (a) The director may refuse to approve a proprietary  
12 private security officer or proprietary private security employer  
13 registration pursuant to this chapter to a person who has had any  
14 license or registration revoked, or whose license or registration  
15 is under suspension, or has failed to renew his or her license or  
16 registration while it was under suspension.

17 (b) The director may refuse to issue a proprietary private  
18 security officer or proprietary private security employer  
19 registration to a person who has committed any act that, if  
20 committed by a registrant, would be grounds for refusing to issue  
21 a registration, or for the suspension or revocation of a registration  
22 issued pursuant to this chapter.

23 7574.16. (a) A person who knowingly falsifies the fingerprints  
24 submitted with an application for registration pursuant to this  
25 chapter is guilty of a felony.

26 (b) A person who knowingly makes a false statement on an  
27 application for registration pursuant to this chapter is guilty of a  
28 misdemeanor.

29 7574.17. This article shall become operative on January 1,  
30 2011.

### 31 32 Article 3. Training 33

34 7574.18. (a) (1) Except for a person who has completed the  
35 course of training required by Section 7583.45, a person registered  
36 and hired as a proprietary private security officer shall complete  
37 training in security officer skills pursuant to this section.

38 (2) The training requirement in paragraph (1) shall apply on  
39 and after July 1, 2011, to any person registered and hired as a  
40 proprietary private security officer on and after January 1, 2011.



1 *For a person registered and hired as a proprietary private security*  
2 *officer before January 1, 2011, the training requirement in*  
3 *paragraph (1) shall apply on and after January 1, 2012.*

4 *(b) A course provider shall issue a certificate to a proprietary*  
5 *private security officer upon satisfactory completion of a required*  
6 *course, conducted in accordance with the department's*  
7 *requirements. An employer of a proprietary private security officer*  
8 *may provide training programs and courses in addition to the*  
9 *training required in this section.*

10 *(c) The department shall develop and approve by regulation a*  
11 *standard course and curriculum, which shall include a minimum*  
12 *number of hours of instruction, for the skills training required by*  
13 *subdivision (a) to promote and protect the safety of persons and*  
14 *the security of property. For this purpose, the department may*  
15 *consult with security directors at proprietary facilities, including,*  
16 *but not limited to, sports or entertainment complex owners,*  
17 *retailers, and restaurants, labor organizations representing*  
18 *security officers, law enforcement representatives, representatives*  
19 *of the Commission on Peace Officer Standards and Training,*  
20 *subject matter experts, and other interested parties.*

21 *(d) The course of training required by subdivision (a) may be*  
22 *administered, tested, and certified by any proprietary private*  
23 *security employer, organization, or school approved by the*  
24 *department. The department may approve any proprietary private*  
25 *security employer, organization, or school to teach the course.*

26 *(e) (1) A proprietary private security employer shall annually*  
27 *provide each employee registered pursuant to this chapter with*  
28 *specifically dedicated review or practice of security officer skills*  
29 *prescribed in the training required in this section. The bureau*  
30 *shall adopt and approve by regulation the minimum number of*  
31 *hours required for annual review.*

32 *(2) A proprietary private security employer shall maintain at*  
33 *the principal place of business or branch office a record verifying*  
34 *completion of the review or practice training for a period of not*  
35 *less than two years. The records shall be available for inspection*  
36 *by the department upon request.*

37 *(f) This section does not apply to a peace officer, as defined in*  
38 *Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of*  
39 *the Penal Code, who has successfully completed a course of study*  
40 *in the exercise of the power to arrest approved by the Commission*

1 on Peace Officer Standards and Training. This section does not  
2 apply to armored vehicle guards.

3 7574.19. This article shall become operative on July 1, 2011.

4  
5 Article 4. Conduct of Business

6  
7 7574.20. No proprietary private security employer shall sublet  
8 proprietary private security officers employed by them to any other  
9 person, business, or entity. Nothing in this section shall be  
10 construed to prohibit an employer from transferring employees  
11 from one location to another or from one subsidiary to another.

12 7574.21. A person registered as a proprietary private security  
13 employer shall do the following with respect to proprietary private  
14 security officers in his or her employment:

15 (a) Maintain an accurate and current record of the name,  
16 address, commencing date of employment, and position of each  
17 proprietary private security officer, and the date of termination of  
18 employment when a proprietary private security officer is  
19 terminated.

20 (b) Maintain an accurate and current record of proof of  
21 completion by each proprietary private security officer of the  
22 training described in Section 7574.5.

23 7574.22. (a) A person registered as a proprietary private  
24 security officer shall carry on his or her person, while on duty, a  
25 valid and current proprietary private security officer's registration  
26 card or a hard copy printout of the bureau's approval from the  
27 bureau's Internet Web site and either a valid driver's license issued  
28 pursuant to Section 12811 of the Vehicle Code or a valid  
29 identification card issued pursuant to Section 13000 of the Vehicle  
30 Code.

31 (b) Failure to comply with subdivision (a) shall result in a fine  
32 of twenty-five dollars (\$25) for the first violation and a fine of fifty  
33 dollars (\$50) for each subsequent violation.

34 7574.23. This article shall become operative on January 1,  
35 2011.

36  
37 Article 5. Disciplinary Proceedings

38  
39 7574.30. (a) A person registered with the department under  
40 this chapter may request a review by a private security disciplinary

1 review committee, as established in Section 7581.1, to contest the  
2 assessment of an administrative fine or to appeal a denial,  
3 revocation, or suspension of a registration unless the denial,  
4 revocation, or suspension is ordered by the director in accordance  
5 with Chapter 5 (commencing with Section 11500) of Part 1 of  
6 Division 3 of Title 2 of the Government Code.

7 A request for a review shall be by written notice to the  
8 department within 30 days of the issuance of the citation and  
9 assessment, denial, revocation, or suspension.

10 Following a review by a disciplinary review committee, the  
11 appellant shall be notified within 30 days, in writing, by regular  
12 mail, of the committee's decision.

13 If the appellant disagrees with the decision made by a  
14 disciplinary review committee, he or she may request a hearing  
15 in accordance with Chapter 5 (commencing with Section 11500)  
16 of Part 1 of Division 3 of Title 2 of the Government Code. A request  
17 for a hearing following a decision by a disciplinary review  
18 committee shall be by written notice to the department within 30  
19 days following notice of the committee's decision.

20 If the appellant does not request a hearing within 30 days, the  
21 review committee's decision shall become final.

22 (b) Notwithstanding subdivision (a), where a hearing is held  
23 under this chapter to determine whether an application for  
24 registration should be granted, the proceedings shall be conducted  
25 in accordance with Chapter 5 (commencing with Section 11500)  
26 of Part 1 of Division 3 of Title 2 of the Government Code, and the  
27 director shall have all of the powers granted therein.

28 7574.31. This article shall become operative on January, 1,  
29 2011.

30 SEC. 4. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution because  
32 the only costs that may be incurred by a local agency or school  
33 district will be incurred because this act creates a new crime or  
34 infraction, eliminates a crime or infraction, or changes the penalty  
35 for a crime or infraction, within the meaning of Section 17556 of  
36 the Government Code, or changes the definition of a crime within  
37 the meaning of Section 6 of Article XIII B of the California  
38 Constitution.

39 ~~SECTION 1. Section 4925 of the Business and Professions~~  
40 ~~Code is amended to read:~~

1     ~~4925. (a) This chapter constitutes the chapter on acupuncture~~  
2     ~~of the Business and Professions Code.~~

3     ~~This chapter shall be known and may be cited as the Acupuncture~~  
4     ~~Licensure Act. Whenever a reference is made to the Acupuncture~~  
5     ~~Licensure Act by the provisions of any statute, it is to be construed~~  
6     ~~as referring to the provisions of this chapter.~~

7     ~~(b) Any reference in this chapter, or to the regulations pertaining~~  
8     ~~thereto, to “certificate” or “certification” shall hereafter mean~~  
9     ~~“license” or “licensure.” Any reference to the term “certificate~~  
10    ~~holder” means “licensee” and the term “certifying” means~~  
11    ~~“licensing.” Any reference to the “Acupuncture Committee” or~~  
12    ~~“committee” means the “Acupuncture Board” or “board.”~~